

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

OCT 24 2002

Nov 1

OFFICE OF
MANAGING DIRECTOR

Jerry E. Hoover
Executive Vice President
NTS Communications, Inc.
5307 West Loop 289
Lubbock, Texas 79414-1610

RE: Request for Waiver of Late Charge
Penalty for FY 2000 Regulatory Fees
Fee Control No. 00000RROG-02-071

Dear Mr. Hoover:

This is in response to the request for waiver of the late charge penalty for late payment of Fiscal Year (FY) 2000 regulatory fees, filed on behalf of **NTS Communications, Inc.**

In your request, you state that the two employees directly responsible for submitting the regulatory fees resigned immediately before the regulatory fees **were due** to be filed, and that neither of these employees made any other NTS employee aware that the fee payment was due prior to their resignations. The Communications Act of 1934, **as** amended, requires the Commission to assess a late charge penalty of **25** percent on any regulatory fee not paid in a timely manner. It is the obligation of the licensees responsible for regulatory fee payments to ensure that the Commission receives the fee payment no later than the final date on which regulatory **fees** are due for the year. Your request does not indicate or substantiate that NTS met this obligation. Therefore, your request for waiver of the late charge penalty for late payment of the FY 2000 regulatory fee is denied.

Payment of **NTS'** \$2,816.25 late fee is now due. The late charge penalty should be submitted, together with a copy of Bill No. 2000-9CB-0161, Within 30 days from the date of this letter. If you have any questions concerning this matter, please contact the Revenue & Receivables Operation Group at (202) 418-1995.

Sincerely,



 Mark **A.** Reger
Chief Financial Officer

Enclosure:
Copy of Bill No.2000-9CB-0161

00000 RROG - 02 - 071



May 21, 2001

Ms. Susan Donahue, Chief
Revenue and Receivables Operations Group
Federal Communications Commission
Room 1A821
445 12th Street SW
Washington DC 20554

Via: Federal Express Priority Overnight Delivery

Re: Response to FCC letter dated 4-23-01
Explanation of circumstances related to late submission of payment
Request for waiver of penalty in connection with submission of payment

Respondent: **NTS** Communications, Inc.
5307 West Loop 289
Lubbock TX 79414-1610

Remittance of Regulatory Fee

Today I have mailed a check in the amount of \$11,265.00 to the Pittsburgh office of the FCC. This remittance was in payment of the respondent's Fiscal Year 2000 regulatory fee. I deeply regret the late submission of this fee and apologize that this oversight occurred.

Request for Waiver of Proposed Penalty

I have enclosed with this letter a copy of a letter from your office dated 4-23-01. This letter proposes a penalty in the amount of \$2,816.25 in connection with the enclosed payment. I hereby respectfully request that this penalty be waived in consideration of extenuating circumstances.

Explanation of circumstances related to submission of payment

Two employees of respondent were directly responsible for submission of this payment. Both these employees were familiar with the filing requirements for Common Carrier Regulatory Fees. One of the employees, the Vice President for Regulatory Affairs of NTS, resigned due to failing health. The other, a manager who reported to him, resigned to move with her husband to a new **job** location. Both **these** resignations occurred about the same time, and both immediately before the regulatory fee was due to be filed. Neither of these individuals made any other NTS employee aware that the fee payment was due prior to their respective resignations. Because both these individuals were high ranking, responsible employees, this sudden **loss** of their combined expertise and experience was a costly blow to the respondent's regulatory compliance function from which it has taken many months to recover.

Request for waiver of penalty in **the** interest of equity

Respondent reiterates its intention to fully comply with the rules, requirements, and directives of the Commission. Respondent **had acted** to provide for full and timely compliance with **FCC rules** by hiring competent people who had demonstrated diligence and conscientious effort in fulfilling **this** compliance function. Respondent had every reason to expect that these employees would either perform these duties before they resigned or arrange for compliance **as** they trained their respective replacements. Penalties should **be** applied to punish those who act with carelessness or negligence, **or** who demonstrate contempt of proper authority. It is when severe penalties are applied to those who have demonstrated full compliance under exemplary standards of business practice that have prevailed in our company since it was founded in 1981



Federal Communications Commission
Washington, D.C. 20554

July 30, 2002

NTS Communications, Inc.
5307 W Loop 289
Lubbock, TX 79414

Re: 2000-9CB-0161

Dear Licensee:

This letter is a final demand for payment in reference to a bill that was issued by the Federal Communications Commission that remains unpaid. The enclosed billing document indicates the reason for this bill. Your account is seriously past due and requires immediate attention.

You are cautioned that failure to respond and/or pay **this** debt will subject you to sanctions as defined by 31 U.S.C. §3717 and 4 C.F.R. Part **102**. The Debt Collection Improvement Act of **1996** as amended gave Federal Government agencies the authority to report and refer delinquent debts **to** the U.S. Treasury Department for **further** collection action. If payment is not received within 30 days from the date of this letter, your account will be assessed further penalties, which can be as high **as** 11 percent, and referred to the U.S. Treasury for collection. Please mail your payment along with a copy of **the** enclosed bill to the following address:

Federal Communications Commission
P.O. **Box 358335**
Pittsburgh, PA **15251-5835**

If you have any documentation that will establish that the debt was paid, such **as** a canceled check, or any other supporting information, please submit **this** information along with a copy of **this** letter. **You** may provide any documentation that will support a claim of financial hardship. Such information **as** profit and loss statements can be used in these instances. Your documentation and/or remittance must be mailed to the Federal Communications, along with a copy of the enclosed bill **to** the following address:

Federal Communications Commission
Attn: Revenue and Receivables Operations Group
445 12th Street, S.W., Room 1A820
Washington, DC **20554**

If you have any questions, please contact the Revenue & Receivables Operations Group at **(202) 418-1995**.

Sincerely,

A handwritten signature in black ink, appearing to read "Claudette E. Pride".

Claudette E. Pride, Acting Chief
Revenue & Receivables Operations Group

Enclosures

Federal Communications Commission

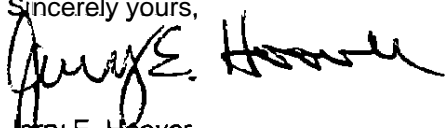
page 2

In light of the explanation set forth above and in the interest of equity, the respondent respectfully requests that the Federal Communications Commission waive the proposed penalty.

Statement of Respondent's Representative

Respondent, **NTS** Communications Inc. is deeply appreciative of your time and attention to this matter. All statements of fact set forth in this letter are true and correct to the best of my knowledge and belief and are made under penalty of perjury. I will be grateful for your favorable consideration.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Jerry E. Hoover". The signature is fluid and cursive, with the first name "Jerry" being more prominent.

Jerry E. Hoover
Executive Vice President

**Federal Communications Commission
Bill Collection****FOR INQUIRIES CALL**
1-202-418-1995

Bill Number	Bill Date	Please write your bill number on your remittance.
2000-9CB-0161	7/30/2002	

NTS Communications, Inc
5307 W. Loop 289
Lubbock, TX 79414

Payable to:
Federal Communications Commission
Send a copy of this bill to
Federal Communications Commission
Revenue & Receivables Operations
P.O. BOX 358835
PITTSBURGH, PA 15251 - 5835

Total Amount Due		Due Date
\$2,816.25	Total Amount Due Must Be Received By	8/29/2002

Please attach a copy of this bill to your payment to ensure proper credit.

Payment Type Code	Quantity	Fee Due	
0072		\$2,112.19	\$2,112.19
0199		\$704.06	\$704.06
Total Due			\$2,816.25

☒ Credit card ☐ (Complete Below)☒ **MASTERCARD**
☐ **VISA**

Account No.:

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Expiration:

--	--

Month

--	--

Year

I hereby authorize the FCC to charge my MASTERCARD or VISA for the service(s) / authorization(s) herein described.

AUTHORIZED SIGNATURE

DATE